

Editorial

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Act aims to put teeth in TV obscenity laws

What some are calling a "towel malfunction" in the lead-in ad for the Nov. 15 Monday Night Football game is the latest

GUEST COMMENTARY

example of why Congress needs to pass legislation to discourage indecent programming on broadcast television. To recap, ABC ran a promotional commercial before Monday Night Football featuring Philadelphia Eagles receiver Terrell Owens and "Desperate Housewives" star Nicolette Sheridan, who was clad only in a towel. After some highly suggestive verbal prodding from Ms. Sheridan, the Eagles star finally decides to skip the game after Ms. Sheridan drops her towel and jumps into his arms — while appearing to be completely naked.

Following last January's Super Bowl halftime show fiasco, an incident often referred to as "Nipplegate," the House of Representatives acted quickly. The Telecommunications Subcommittee, of which I am a member, took the lead in creating the Broadcast Decency Enforcement Act, which significantly increases fines for over-the-air indecency. I co-authored two other sections of the measure affecting broadcast licensing. The first would allow the FCC to consider indecency infractions when renewing a broadcaster's license. Currently, indecency infractions are not considered serious and are therefore not a factor in whether or not a broadcaster is allowed to renew its license.

The second section would automatical-

ly initiate license revocation proceedings after three indecency infractions. This does not mean that a broadcaster's license would be automatically revoked. Rather, it gives the FCC a powerful tool to insure the broadcaster takes the matter seriously and makes necessary changes to avoid revocation in the future. All of these provisions will provide real incentives for broadcasters to self-police obscenity, indecency and profanity in broadcast television and radio. The bill passed by the House with strong

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bipartisan support.

First Amendment advocates raise legitimate concerns about the threat of censorship. However, Congress has a responsibility protect the sensibilities of children and other viewers from offensive material. It should be noted that such constraints should not apply to cable programming, which is voluntarily purchased by the viewer. Broadcast licenses, however, are highly profitable, free licenses to use the public's air-

waves, awarded by the government, and therefore subject to higher standards of public decency.

In 1978, the Supreme Court ruled that, "during the hours of 6 a.m. to 10 p.m., broadcasters must not air material that describes sexual organs or activities or is considered offensive by modern-day community standards." Thus, the Court recognizes that standards of decency within specific parameters do not constitute censorship.

Unfortunately, special interests have weighed in behind the scenes, stalling a House and Senate agreement on the final version of the Broadcast Decency Enforcement Act. As a result, the bill may not pass by the end of the 108th Congress. If that happens, this issue must be revisited as we begin the new session of Congress.

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Rep. Albert Wynn
D-Md., 4th District

■ TOMORROW...

Ellen Goodman writes that, despite advances in communications that seek to bridge the distances between us, the holidays are still about getting together with those we love: "Our most restless of nations has the get-up-and-go ... to go home. We do not phone in Thanksgiving or e-mail family reunions."